

RF

Notice of Allowability	Application No.	Applicant(s)	
	09/886,083	TAKAMINE ET AL.	
	Examiner	Art Unit	
	Barbara Summons	2817	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received 21 November 2003.
2. ☒ The allowed claim(s) is/are 2-20 and 22-24.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☒ including changes required by the proposed drawing correction filed 18 February 2003, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Regarding claims 5 and 23, these claims are allowable because they now contain the combined subject matter of claims 1 and 5 and claims 1 and 6, respectively, wherein claims 5 and 6 were previously objected to as containing allowable subject matter.

Regarding claim 9, the Examiner disagrees with Applicants' arguments that Strauss et al. at column 2, lines 62-67 does not "teach or suggest that the filter of Fig. 3 could or should be used with the lower filter of Fig. 2", or that the "Examiner has clearly mixed different embodiments of Strauss et al. (more particularly, a prior art embodiment with an embodiment of the invention of Strauss et al)" [see page 10, the last two full paragraphs of the amendment received 11/21/03]. This argument is unpersuasive because column 2, lines 62-67 of Strauss et al. clearly states the Strauss inventive filter of Fig. 3 should be connected in series with the prior art filter of Figs. 1 and 2, wherein Fig. 2 is simply two of the Fig. 1 filters connected in series (see column 1, lines 39-44), and Fig. 4 of Strauss et al. is the combination of its inventive filter of Fig. 3 (lower filter of Fig. 4) and a prior art filter of Figs. 1 and 2 (upper filter of Fig. 4). However, the Examiner agrees with Applicants' arguments that Strauss et al. does not "teach that the elements are arranged as required by the claim" such that "an electric signal propagating through the first signal line is 180° out of phase with an electric signal propagating through the second signal line" as required by the claim (see the last paragraph on page 10 and the first paragraph on page 11 of the amendment). The

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Examiner has used the filter of Strauss et al. Fig. 3 as the first filter, whereas Strauss et al. Fig. 4 shows the Fig. 3 filter as the second filter. Additionally, Strauss et al. Fig. 4 shows only one unbalanced connecting signal line between the two filters. Therefore, it is unclear if Strauss et al. contemplated connecting its filter of Fig. 3 to one of the filters of Figs. 1 and 2 via balanced signal lines differing in phase by 180°.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara Summons whose telephone number is (703) 308-4947. The examiner can normally be reached on M-Th, M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pascal can be reached on (703) 308-4909. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



**BARBARA SUMMONS
PRIMARY EXAMINER**

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December 4, 2003